SUPPORT FOR THE AMENDMENTS

Claims 1-37 were previously canceled.

Claims 38, 43, 49-51, and 54 have been amended.

The amendment to Claims 38, 43, 49-51, and 54 and to the specification serves to correct an incorrect descriptions resulting in the use of the terms "carbamido" and "sulfamido". In the specification, "carbamido" was used for the expression "$C(O)NH_2$" (see compound Q3t on page 56); however, "carbamido" is not the proper term. The proper term for the expression "$C(O)NH_2$" is "carbamoyl". Similarly, in the specification, "sulfamido" was used for the expression "$SO_2NH_2$" (see compound Q3r on page 56); however, "sulfamido" is not the proper term. The proper term for the expression "$SO_2NH_2$" is "sulfamoyl". Thus, support for this amendment is provided by compounds Q3t and Q3r on page 56.

No new matter is believed to have been added by the present amendments.

## REMARKS

Claims 38-74 are pending in the present application.

At the outset, Applicants would like to thank Examiner Loewe for the recognition and acknowledgment that the species of synthetic example 56 is allowable (see numbered paragraph 6 on page 3 of the Office Action mailed November 30, 2007). Reconsideration of the outstanding rejections is requested in view of the amendment and remarks set forth herein.

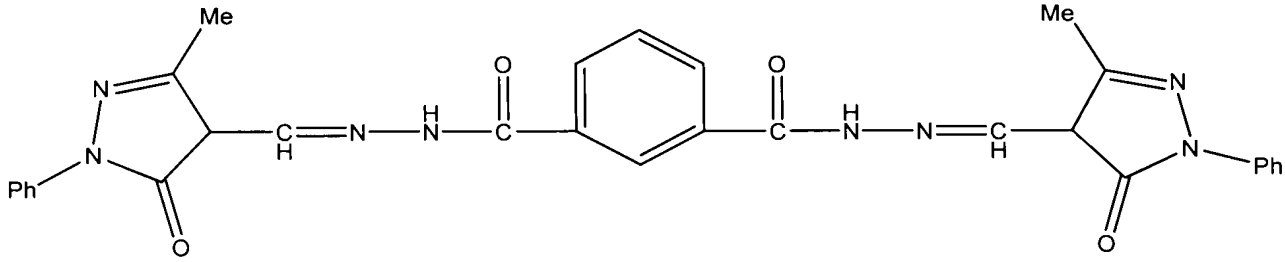
The rejection of Claims 38, 39, 43, 49, 51, 54-56, 60, 66, 68, 71, and 73 under 35 U.S.C. §102(b) over L'Eplattenier et al and Maitland et al is respectfully traversed.

In the Office Action mailed November 30, 2007, the Examiner cited L'Eplattenier et al and Maitland et al as allegedly disclosing a compound within the broadly defined scope of independent Claims 38, 39, 43, and 51. Applicants respectfully submit that the Examiner's rejection is without merit for the reasons set forth in the response filed on February 21, 2008. In the Advisory Action mailed April 9, 2008, the Examiner has indicated that the arguments presented in response to the final Office Action filed on February 21, 2008, do not place this application in condition for allowance because the response allegedly only addresses the Markush group of Claim 38, but omits the Markush group of Claims 39 and 43 (and 51).

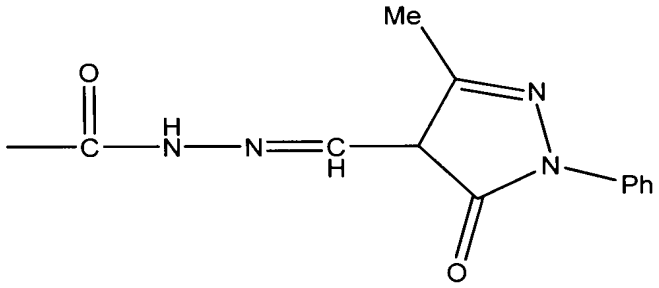
Applicants respectfully note that Claims 39, 43, and 51 were addressed on page 3 of the Office Action where Claim 38 is used as the shorthand representation. Although Claims 39, 43, and 51 clearly differ in scope from Claim 38, Applicants submit that L'Eplattenier et al and Maitland et al fail to anticipate the claimed invention as the equivalent position to substituent E in RN 61255-91-2 does not fall within the definition of any of substituent E

(Claim 38) or the corresponding position in any of Claim 39 (substituent $R^4$), Claim 43 (substituent $R^{10}$), and Claim 51 (substituent $R^{15}$).

Specifically, the RN 61255-91-2 has the structure:




When assigned the letter designators of the claimed invention, the tautomer has the following substituents[1]: A is a phenyl, B is a methyl, D is a hydrogen, and E is a substituted phenyl which is substituted with:




In the claimed invention substituent E (identified in Claims 39, 43, and 51, although of slightly different scope, as a $C_{2-14}$ aryl group as substituent $R^4$ (Claim 39), $R^{10}$ (Claim 43), and $R^{15}$ (Claim 51)) is defined as:

> E is a $C_{2-14}$ aryl group,
>
> wherein the $C_{2-14}$ aryl group is optionally substituted with one or more hydroxyl groups, one or more nitro groups, one or more halogen atoms, one or more cyano groups, one or more $C_{1-3}$ alkyl groups substituted with one or more fluorine atoms, $NG^1G^2$,

[1] Written in the short-hand of Claim 38. Note: substituent A is also identified as substituent $R^1$, $R^7$, and $R^{12}$, substituent B is also identified as substituent $R^2$, $R^8$, and $R^{13}$, substituent D is also identified as substituent $R^3$, $R^9$, and $R^{14}$, and substituent E is also identified as substituent $R^4$, $R^{10}$, and $R^{15}$.

> wherein $G^1$ and $G^2$ are independently hydrogen atoms, formyl groups, $C_{1-6}$ alkyl groups or $C_{1-6}$ alkylcarbonyl groups, one or more carboxyl groups, one or more sulfonic acid groups, one or more phosphonic acid groups, one or more carbamoyl groups,
>
> wherein the carbamoyl group may be substituted with a $C_{1-6}$ alkyl group, one or more sulfamoyl groups, one or more hydroxycarbamoyl groups, one or more hydroxy sulfamoyl groups, one or more tetrazole groups, and one or more $C_{1-6}$ alkoxycarbonyl groups or $X(CYZ)_nCO_2H$,
>
> wherein X is $CH_2$, O, S or $NG^3$,
>
> wherein $G^3$ is a hydrogen atom, a $C_{1-6}$ alkyl group, a formyl group or a $C_{1-6}$ alkylcarbonyl group,
>
> wherein Y and Z are independently hydrogen atoms or $C_{1-3}$ alkyl groups, and n is 0, 1, 2 or 3, and
>
> wherein the sulfamoyl group may be substituted with a $C_{1-6}$ alkyl group

It is clear that the equivalent position to substituent E in RN 61255-91-2 does not fall within the definition above. Further, the equivalent position to substituent $R^4$ (Claim 39), $R^{10}$ (Claim 43), and $R^{15}$ (Claim 51) in RN 61255-91-2 does not fall within the scope of the substituents in Claims 39, 43, and 51, respectively. Accordingly, L'Eplattenier et al do not anticipate the claimed invention.

It is further noted that the second formula on page 3 of the Office Action mailed November 30, 2007 should have one more NH group between the NH group and the CH group on the right-hand side to be the tautomer of the compound RN 61255-91-2.

Regardless, neither L'Eplattenier et al nor Maitland et al disclose or suggest a compound within the scope of the presently claimed invention. Therefore, the anticipation rejection should be withdrawn.

Withdrawal of this ground of rejection is requested.

Applicants respectfully submit that the above-identified application is now in condition for allowance. Early notification to this effect is earnestly solicited.

Respectfully submitted,

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